



SATURDAY, NOV. 20, 1909.

THE CHURCH TROUBLE

Rev. Eli Tartie and the White Case—
Judge Mullen Upholds the Pastor
The Commonwealth's Attorney
Bitter—A Dead Lock in
the Trial Court.

Petersburg, Va., Nov. 14.—In the
Hastings Court yesterday morning
the motion to set aside the verdict
rendered in the case of the Com-
monwealth vs. Joseph White (col-
ored), at the September term of the
court, was heard by Judge Mullen.
It will be remembered that this
prosecution grew out of the contro-
versy at Harrison Street (colored)
Baptist Church.

The Judge took occasion to re-
view the history and litigation in-
cident to that controversy. He also
stated that the evidence of the most
important witnesses for the Com-
monwealth in the case against Joseph
White at the trial at the Sep-
tember term was in several mate-
rial respects very different from that
given by them when this case was
first tried at the January term; and
that, but for this variation, he would
have instructed the jury very differ-
ently; and that he was inclined to
the opinion that upon the evidence
as given at the January term, the
defendant was not guilty. He sug-
gested that, in his judgment, the
ends of justice would be more than
met by a fine in this case. Upon
the Commonwealth's attorney stating
that he would not agree to this, the
verdict was set aside and the case
continued to the January term. He
also remarked that he would not
permit a verdict to stand that im-
posed more than a fine.

The above, at the request of the
Index-Appel representative, was
prepared by Judge Mullen.

COMMONWEALTH'S ATTORNEY
MANN'S STATEMENT.

In order to give both sides in this
case Mr. R. H. Mann, the attorney
for the Commonwealth, was asked
by the Index-Appel representative
for such a statement as he would
make for publication in reference to
the action of the court in the White
case and furnished the following:

In response to your request, with-
out solicitation by me, to state the
substance of what occurred in the
Hastings Court this morning, in
connection with the action of the
court on the motion for a new trial
of the case of the Commonwealth
against Joseph White, which was
pending in the said court, and which
incidentally involves the prosecution
of Eli Tartie for an assault upon
Levi D. Myers, I desire to say that
after being notified by Judge Mul-
len, through Mr. Robert G. Bass,
of this office, I went down to the
court room at ten o'clock, and after
waiting for some time, counsel for
the defendant arrived, and Mr. C.
T. Lassiter began to argue the mo-
tion for setting aside the verdict
of the jury in the case of Joseph
White in the last trial, imposing a
fine of \$100.00.

Before Mr. Lassiter completed his
argument, and before Judge Mul-
len's decision, and without any in-
timation that he then intended to
pass on the motion, or any suggestion
that I be heard as the representative
of the Commonwealth in the argu-
ment of the case, Judge Mullen said
that his recollection was positive
that Levi D. Myers had made differ-
ent statements in the first trial from
those in the second trial; that he
believed that he had made up his
testimony after hearing the argu-
ment for setting aside the verdict on
the first trial, and that such differ-
ences should have been put in evi-
dence by the defendant's counsel at
the last trial of the case. He then
stated that proceedings should be
taken against Levi D. Myers for per-
jury, to which I replied that, if pro-
ceedings for perjury were to be
taken, I was satisfied I could con-
vict Tartie of perjury, but that I
did not want to be put in the atti-
tude of persecuting.

Judge Mullen then reviewed the
civil features of the trouble in Har-
rison Street Church, stating that the
anti-Tartie faction—or as he termed
them, the deacons had been in
fault throughout the whole contro-
versy, and endeavored to create a
disturbance on more than one oc-
casion; that he had been informed
by John Johns that there would be
trouble in case an attempt was made
to expel the deacons from the mem-
bership of the church; that Dr. J.
M. Pletcher and Mr. Robert Gilliam,
who had previously presided over
the meetings held at the church,
stated to him that the disturbance
in the meetings came from the anti-
Tartie side; that he believed that,
on the night the assault was al-
leged to have been committed, Joseph
White had no intention of using
his pistol, even if he pointed it at
Levi D. Myers, and that the anti-
Tartie faction, who he said had
been holding business meetings in
the yard of the church, for the pur-
pose of making trouble, marched to
the church in a body that night for
the purpose of seeing that their
wishes were carried out.

He then stated that he thought
that, in these cases, and asked me
what I thought about the matter. I
replied that I differed with him that
my mind was made up that I would
not consent to it, and that I thought
the defendants should go to jail. I
then stated that, as far as the civil

cases were concerned, I had nothing
to do with them, and cared nothing
about which side should prevail, ex-
cept that my sympathies were natu-
rally on the side of the people who
had been born and reared in Peters-
burg, and whom I had known; and
that I, like practically everybody
else, regarded Tartie as a menace to
the community. Judge Mullen then
said that he notified me that he
would set aside every verdict that
would impose a jail sentence in these
cases, to which I replied that, with
all due respect to the court, since
I have received his notice, I desired
to give notice that I would press for
retrial of the cases every time they
were set aside, and requested to be
informed whether he meant that ver-
dict in the Joseph White case was
set aside. He replied that it was.

As I was about to get my books
to leave the court room, I was again
informed by the court that he wished
to notify me that he would set
aside every verdict in which a jail
sentence was imposed, to which I
replied: "I thank Your Honor for
your frankness." Judge Mullen con-
tinued the cases to the January term.
As I heard every statement made
by Levi D. Myers in both trials, and
am satisfied he is not guilty of per-
jury, as at present advised, I shall
not prosecute him for the offense.
—Petersburg, Index-Appel.

Very truly yours,
RICHARD H. MANN,
Commonwealth's Attorney.

ENGINEER KILLED
BY BURSTING BOILER

Accident on Seaboard Air Line
Causes Death of Thomas Ennis.

Richmond, Va., Nov. 15.—Due to
injuries received through the blow-
ing out of the crown sheet of his
engine, No. 777, and the shock of
an operation that followed, Engineer
Thomas C. Ennis, of the Seaboard
Air Line Railway, died at the Mem-
orial Hospital yesterday morning
at 11 o'clock.

Though terribly scalded and
frightened by the enveloping steam,
Jacob Schuler, the colored fireman,
saved his life by jumping from the
cab. He fell unconscious, and was
dazed when he arrived with En-
gineer Ennis at the Memorial. Even
last night he was unable to give an
account of the accident and could
not remember where it happened.
He said that it was like a dream to
him. He is badly scalded about the
body and his left shoulder is dislo-
cated. His home is in East Raleigh,
where the freight train started on
its journey.

Accompanied by his brother, P. C.
Ennis, and six members of the
Brotherhood of Locomotive Engi-
neers from Raleigh, the body was
taken at 11:50 A. M. to his home
in that city.

ENNIS BROUGHT HERE.

The accident occurred on a steep
grade between this city and Peter-
burg. While the train, freight No.
8, was going at a good rate of speed
for some unaccountable reason the
crown sheet blew out, enveloping
the cab with steam and boiling
water. Engineer Ennis quickly ap-
plied the brakes and jumped from
his left foot beneath the wheels,
grinding it off at the ankle. As early
as possible a special engine was hur-
ried to the scene, and the suffering
man was brought to this city, where
he was taken to the Memorial Hos-
pital. The foot was amputated, but
Mr. Ennis never recovered con-
sciousness.

DIES FROM SHOCK.

Though he was not badly scalded,
and the injury to his leg at first
was not considered dangerous, the
shock was too much for his system,
the physicians being of the opinion
that his death was caused more from
the combined shock of the wreck
and the operation than from his
wounds.

Dispatches received from Raleigh
last night stated that the body ar-
rived there on the 12:05 train and
had been carried to the Ennis home
on Salisbury Street, from which it
is expected to be removed to-
morrow morning. The hour will
depend on the time of arrival of
Mrs. Hudgins, a sister of En-
gineer Ennis, who lives near Dan-
ville. Mr. Ennis was unmarried.
He leaves one brother, P. C. Ennis,
of Raleigh, and two sisters—Mrs.
Hudgins, of Danville, and Mrs. L.
W. Bowden, of Raleigh.

DENIES DEFECTIVE INJECTION.

It was said that the accident was
due to a defective injector; that one
of the two with which the engine
was equipped was not working at
several days. Superintendent J. H.
Witt, of the Seaboard, said last
night that while it had not been
determined what directly caused the
wreck, it was in perfect order.
He added that the injectors were
always tested when a train went
out and that no engine was sent on
a run unless it is in working order.
Engineer Ennis had been with the
Seaboard for twelve years, and was
very highly spoken of by the offi-
cials. —Times Dispatch.

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8B GRADE—Horace Scott, Bertha
Lockett, Lizzie Gales, Alice
Holmes, Ethel Lemas, Rosa Miles,
Bertha Lockett, Lavinia Tyler.
9A GRADE—James Chiles, Lena
Bass, Blanche Dickerson, Zenobia
Gilpin, Ophelia Gray, Annie Haskins,
Lavinia Johnson, Henrietta Mason,
Lucille Payne, Rosa Pervall, Mabel
Spottwood.
5A GRADE—Moselle Anderson,
Belle Boyd, Ruth Deane, Clara
Kyles, Oltra Pollard, Lillian Peters,
Ragins Smith, Emmett Scott.
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Anderson, Lottie Carey, Marian
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wis, Bertha Wells, Abraham Har-
ris, Alexander James, Christopher

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VIRGINIA: In the Law and Equity Court of the
City of Richmond, this 16th day
of November, 1909.

Alfred McKinney, Plaintiff,
Against
Alice McKinney Defendant.

The object of this suit is to ob-
tain a divorce, a Vinculo Matrimonii,
by the plaintiff against the defend-
ant. And an affidavit having been
made and filed that the defendant
Alice McKinney, is a non-resident
of the State of Virginia; it is or-
dered that she appear here within
fifteen days after the due publica-
tion of this order, and do whatever
may be necessary to protect her in-
terest herein.
A copy—Teste:
P. P. WINSTON, Clerk.

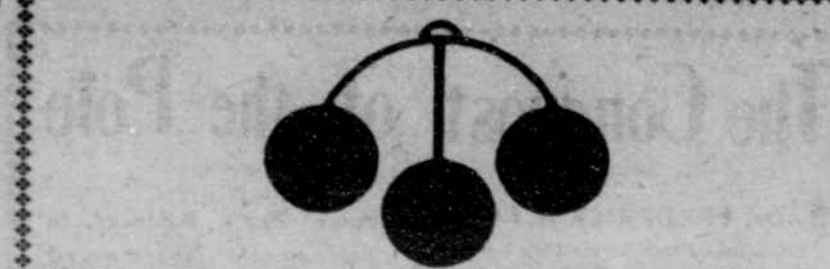
To ALICE MCKINNEY:—
You'll take notice that I shall on
the 6th day of January, 1910, at the
office of Phil B. Shield, room num-
bered 60, Chamber of Commerce
building, situated S. W. corner 9th
and Main Streets, in the City of
Richmond, Va., between the hours
of 9 o'clock A. M. and 6 o'clock P.
M., of that day, proceed to take the
depositions of witnesses to be read
as evidence in my behalf in a cer-
tain suit in Chancery, depending in
the Law and Equity Court for the
City of Richmond, Va., wherein you
are defendant and I am plaintiff,
and if, from any cause the taking
of the said depositions be not com-
menced on that day, or if com-
menced be not concluded on that day
the taking of the same will be ad-
journaled and continued from day to
day, or from time to time at the
same place and between the same
hours, until the same shall be con-
cluded.

Respectfully,
ALFRED MCKINNEY,
By Counsel.
J. Henry Crutchfield, P. C.,
Office, 1215 E. Broad St.,
Richmond, Va.

A copy—Teste:
P. P. WINSTON,
Clerk.

C. F. Whittle, P. C.

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called for 100,000 to 1,000,000 volunteer helpers of the race who
are willing to give a day in labor or at least one hour in labor free
to help the True Light Army to get this sure plan for the success
to all of our people this year. Now, sir my name
is _____ You may call on me at any time
you will, and I will give you one _____ free in labor at my home
district to help put your plan in the hands of our people.
Address me at _____

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